BRUNEI REPORT

KARIM BIN SAID v. PG. MD. TAHIR BIN PG. IBRAHIM & ANOR.

[O.C.J. (Trainor J.) July 20, 1979]
[Brunei — Civil Suit No. 77 of 1977]

Damages — Assessment of — Deceased 95 years old — Plaintiff administrator — $3,000 awarded for loss of expectation of life and $2,250 for funeral expenses.

This was an assessment of damages arising out of a road accident on June 7, 1975. The deceased, Haji Said bin Lisa, father of the plaintiff, had died in hospital that day. According to his identity card he was born in 1880, although the plaintiff said this was a mistake and his father had been born about 1905. The plaintiff obtained interlocutory judgment in default of appearance for damages to be assessed.

Cases referred to:-

(1) *Sadiah binte Gundi* v. *Jafar bin Metali* Brunei High Court Civil Suit No. 7 of 1977.

(2) *Abdul Rahman bin Jai* v. *Jafar bin Metali* Brunei High Court Civil Suit No. 16 of 1977.

CIVIL SUIT.

David Clidero for the plaintiff.

Both defendants appeared in person.

Trainor J.: I have read the affidavit of the plaintiff but I do not think it likely that the registration authorities would mistake the age of the deceased to the extent of 25 years. My attention has been drawn by Mr. Clidero to the Brunei consolidated cases of *Sadiah binte Gundi* v. *Jafar bin Metali*[1] and *Abdul Rahman bin Jai* v. *Jafar bin Metali*[2] in which Mr. Justice Morley-John gave judgment on November 7, 1977. By agreement between counsel, judgment was given for $3,500 loss of expectation of life and funeral expenses of $1,500. That was less than two years ago, but accepting, as I do, what I have been told, that this figure of $3,500 had been static for several years, I think it should probably now be increased. However, in the case cited the deceased was about 40. In this case he was 95 or approaching that age, and having regard to this factor I think I am being not ungenerous in allowing $3,000 for loss of expectation of life.

In regard to the funeral expenses, the affidavit of the plaintiff recites that he spent over $4,600 on buffalo meat alone for the various funeral feasts, plus further amounts on rice. The plaintiff also called another witness, the elder brother of a girl of 20 who was killed in an accident less than two months ago. That witness claimed to have spent over $7,000 on the funeral feasts, but I do not accept that all of this expenditure was justified. On the other hand the first defendant, who gave evidence, admitted that a funeral organised by him in respect of a family bereavement in 1972 cost $1,400, and since then it is common knowledge that prices have risen substantially. Mr. Clidero has asked me to award a sum of $2,500 for funeral expenses, but I think justice will be done if I award $2,250 for that. I also award $350 in respect of obtaining Letters of Administration. The plaintiff is entitled to costs.

Judgment for the plaintiff.

Solicitors: *Hilborne, Hawkin & Co.*